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2/28/2006 11:08 AM FROM: 781 846 8354 TO: 1 571 273 8300 PAGE: 001 OF 009

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FEB 28 2006

F A X

• William L. Botjer Esq.
• PO Box 478
• Center Moriches NY 11934

To: **USPTO MS: Petitions**

Fax number: **571 273 8300**

From: **William L. Botjer Esq.**

Fax number: **781 846 8354**

Business phone: **631 874 4826**

Home phone:

Date & Time: **Feb. 28, 2006 11:02 Am**

Pages: **9**

Re: **Petition in SN 10/601,397**

F A X

• William L. Botjer Esq.
• PO Box 478
• Center Moriches NY 11934

To: USPTO Issue Fee

Fax number: 571 273 2885

From: William L. Botjer Esq.

Fax number: 781 846 8354

Business phone: 631 874 4826

Home phone:

Date & Time: 10/12/05 1:20 PM

Pages: 2

Re: Issue Fee in 10/601,397

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FEB 28 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Chaudhari et al Filed: 06/23/03

Serial No: 10/601,397

Group art Unit: 2683 Examiner : KIM, W. L.

MS: Petition
Honorable Commissioner for Patents
Alexandria VA 22313-1450

Petition to Revive an Abandoned Application under 37 CFR 1.378(c)

Sir:

Applicant hereby Petitions to Revive an Abandoned Application under 37 CFR 1.378(c) in the above referenced allowed patent application.

On October 12th 2005 applicants transmitted by facsimile the Issue fee payment form (copy enclosed) in the above noted case which authorized the charging of Deposit Account (No. 502158) for the Issue fee and the publication fee. However, while the publication fee was charged On Oct. 12th, the balance in the deposit account ran out before the issue fee was paid, because of a debit from another user. (copy of deposit account statement enclosed).

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited this date with the US Postal Service as first-class mail in an envelope addressed as below, or being facsimile transmitted to the USPTO at 571 273 8300, on the date set forth below.

COMMISSIONER FOR PATENTS
MS: Petition
PO Box 1450
Arlington, VA 22313-1450

Dated: February 28, 2006

By 
(Signature)

03/01/2006 EFLORES1 00000012 502158 10601397
01 FC:2453 750.00 DA

1

By a Notice dated February 2, 2006 (copy enclosed) the United States Patent And Trademark Office informed the undersigned that this application had become abandoned for failure to pay the Issue Fee. Upon review of the file and USPTO records it was found that the Issue Fee was not paid through inadvertence. In order to correct this, the original request to pay the issue fee of \$700 (Issue fee payment form) has been enclosed herewith. This is the required response. Note that the publication fee has already been paid. If this is an insufficient response then please consider this a request to charge the issue fee in this case to Deposit Account No. 502158

The undersigned hereby states the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Please charge Deposit Account No. 502158 for the Petition Fee of \$750 (small entity).

If there are any questions with respect to this submission the undersigned may be contacted at the numbers listed below.

Respectfully Submitted,

Dated: February 28, 2006

By 
William L. Botjer
Reg. No. 27,990
PO Box 478
Center Moriches, NY 11934
(212) 737-5728 (Tue-Thurs)
(631) 874-4826 (Mon & Fri)

Deposit Account Statement

<https://ramps.uspto.gov/eram/Controller;jsessionid=ramps-10300-36...>

**United States
Patent and
Trademark Office**

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Deposit Account Statement

Requested Statement Month: October 2005
Deposit Account Number: 502158
Name: EVALUSERVE INC
Attention: DR ALOK AGGARWAL
Address: 689 QUAKER STREET
City: CHAPPAQUA
State: NY
Zip: 10514
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
10/03	70	11238303	P21025	1011	\$300.00	\$7,212.00
10/03	71	11238303	P21025	1111	\$500.00	\$6,712.00
10/03	72	11238303	P21025	1311	\$200.00	\$6,512.00
10/03	73	11238303	P21025	1202	\$300.00	\$6,212.00
10/05	230	11241144	P21024	1011	\$300.00	\$5,912.00
10/05	231	11241144	P21024	1111	\$500.00	\$5,412.00
10/05	232	11241144	P21024	1311	\$200.00	\$5,212.00
10/05	233	11241144	P21024	1202	\$250.00	\$4,962.00
10/07	221	PCT/US05/34697	JUL010 PCT	1601	\$300.00	\$4,662.00
10/07	222	PCT/US05/34697	JUL010 PCT	1603	\$300.00	\$4,362.00
10/07	223	PCT/US05/34697	JUL010 PCT	1702	\$1,211.00	\$3,151.00
10/07	224	PCT/US05/34697	JUL010 PCT	1703	\$221.00	\$2,930.00
10/07	225	PCT/US05/34697	JUL010 PCT	8007	\$20.00	\$2,910.00
10/11	93	11231233	P22074	1011	\$300.00	\$2,610.00
10/11	94	11231233	P22074	1111	\$500.00	\$2,110.00
10/11	95	11231233	P22074	1311	\$200.00	\$1,910.00
10/11	96	11231233	P22074	1201	\$200.00	\$1,710.00
10/11	97	11231233	P22074	1202	\$400.00	\$1,310.00
10/11	173	60724354	OPS002	2005	\$100.00	\$1,210.00
10/11	174	60724353	OPS 004	2005	\$100.00	\$1,110.00
10/11	176	60724339	OPS 003	2005	\$100.00	\$1,010.00
10/11	178	60724337	OPS 001	2005	\$100.00	\$910.00
10/12	114	11245646	APT-001	2011	\$150.00	\$760.00
10/12	115	11245646	APT-001	2111	\$250.00	\$510.00
10/12	116	11245646	APT-001	2311	\$100.00	\$410.00
10/12	117	11245646	APT-001	2201	\$100.00	\$310.00
>>>>>	10/12	346 10601397	JUL-002	1504	\$300.00	\$10.00 <<<<<<<<
	10/19	51 E-REPLENISHMENT		9203	-\$10,000.00	\$10,010.00
	10/19	110 11247127		8021	\$40.00	\$9,970.00
	10/19	216 11245646	APT-001	8021	\$40.00	\$9,930.00
	10/21	8 11231233	P22074	8021	\$40.00	\$9,890.00
	10/25	332 11255724	BEX-002	2011	\$150.00	\$9,740.00
	10/25	333 11255724	BEX-002	2111	\$250.00	\$9,490.00
	10/25	334 11255724	BEX-002	2311	\$100.00	\$9,390.00
	10/25	335 11255724	BEX-002	2201	\$100.00	\$9,290.00
	10/26	35 PCT/US05/36360	ALI005 PCT	1601	\$300.00	\$8,990.00

Deposit Account Statement

<https://ramps.uspto.gov/eram/Controller;jsessionid=ramps-10300-36...>

10/26 36	PCT/US05/36360	ALI005 PCT 1602	\$1,000.00	\$7,990.00
10/26 37	PCT/US05/36360	ALI005 PCT 1702	\$1,102.00	\$6,888.00
10/26 38	PCT/US05/36360	ALI005 PCT 1703	\$168.00	\$6,720.00
10/26 39	PCT/US05/36360	ALI005 PCT 8007	\$20.00	\$6,700.00
10/28 277	11255724	BEX-002 8021	\$40.00	\$6,660.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$7,512.00	\$10,852.00	\$10,000.00	\$6,660.00

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,397	06/23/2003	Ambarish Chaudhari	JUL-002	8029
7590	02/02/2006		EXAMINER	
William L. Botjer			KIM, WESLEY LEO	
PO Box 478				
Center Moriches, NY 11934			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.	Applicant(s)	
	10/601,397	CHAUDHARI	
	Examiner	Art Unit	
	KIM	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
 (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 (d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 (b) The submitted fee of \$300 is insufficient. A balance of \$700 is due.
 The issue fee required by 37 CFR 1.18 is \$700. The publication fee, if required by 37 CFR 1.18(d), is \$300.
 (c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 (b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

Igd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.